

Appl. No. 09/580,671

Attorney Docket: 042390.P6484D

In The United States Patent and Trademark Office
Before The Board of Patent Appeals and Interferences

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In re Patent Application of:

Shah-Nazaroff, *et al.*

Application No.: 09/580,671

Filed: May 26, 2000

For: METHOD AND
APPARATUS FOR
SELECTING FROM
AMONG MULTIPLE
UPGRADED MEDIA
FEATURES FOR
TRANSMITTED
ENTERTAINMENT
PROGRAMS

Examiner: Bui, Kicu Oanh T.

Art Unit: 2611

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APPEAL BRIEF
IN SUPPORT OF APPELLANTS' APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Honorable Director of the United States Patent and Trademark Office
Washington, DC 20231

Sir/Madam:

Applicants (hereafter "Appellants") hereby submit this Brief in support of their Appeal from a final decision by the Examiner in the above-captioned case. Appellants respectfully request consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

An oral hearing is not desired.

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1. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052.

2. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

3. STATUS OF THE CLAIMS

Claims 1-37 are now pending in the above referenced patent application. Claims 1-37 were rejected in the Final Office Action mailed on June 01, 2005 and are the subject of this appeal.

4. STATUS OF THE AMENDMENTS

No amendments have been filed subject to the Final Rejection.

A copy of all claims on appeal is attached hereto as Appendix A.

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5. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed subject matter provides an improved method and apparatus for purchasing media features for programming transmissions. Information regarding a plurality of different entertainment programs and a plurality of different upgraded media features associated with each entertainment program is received. A list of entertainment programs and, for each entertainment program, a plurality of different upgraded media features are displayed at a user terminal. (See Fig. 5) An entertainment program selection together with one or more upgraded media feature selections from the displayed plurality are transmitted to an entertainment program provider (See Fig. 4, blocks 420 & 430) and the selected entertainment program with the selected upgraded media features is received by the user (See Fig. 4, block 460). In one embodiment, the received and displayed information includes received information regarding costs for each of the plurality of different upgraded media features (See Fig. 5). Specification page 4, lines 2-9.

Upgraded media features include, but are not limited to, a wide variety of audio, video, and interactive effects. For instance, video resolution can be upgraded. This is particularly true for digital transmissions, such as broadcasts, from a view-on-demand programming source, such as a broadcast source. A broadcast source may have the option to send multiple broadcasts over a single digital channel simultaneously. For instance, a view-on-demand broadcast source may have access to 200 channels in a particular area, and up to 20 broadcasts may be downloaded simultaneously over each channel. As the number of simultaneous broadcasts increase, the video quality of any one broadcast decreases. So, a viewer could pay more to receive a broadcast over a channel with fewer simultaneous broadcasts.

In one embodiment, a range of upgrades may be available. For instance, a default range of video resolution may be at the lowest possible resolution level, having the maximum number

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of simultaneous broadcasts on a single channel. A highest range may be at the maximum possible resolution, having a single broadcast on a single channel. Certain televisions, however, may not be able to take full advantage of the highest possible resolution because the televisions cannot resolve that much detail. In which case, one or more middle ranges may be created at approximately the levels of resolution that many types of televisions can display. For each incremental level of resolution, more bandwidth is needed for the broadcast, so the price of each incremental level of resolution may be higher. Specification page 6, lines 7 to page 7, line 2.

Another possible upgraded media feature is a pay-per-record feature. For instance, digital television can be transmitted in a view-only format so that a recorded image of the transmission is impaired. In which case, a viewer may buy an upgraded media feature to receive a recordable version of the broadcast. Specification page 7, lines 13-16.

Figure 5 illustrates one embodiment of a display provided on user interface 210 of Fig. 2. The display includes a programming list from various broadcast sources and lists of upgraded media features for each broadcast along with a cost for each feature. For instance, in the illustrated display, the client system has access to pay-per-view broadcasts from a cable broadcast source. The programming guide lists a number of available movies including "Disney's Lady and the Tramp." The base rate for the movie is \$2.50, and three show times are listed. The default media feature is view only. The viewer has the option, however, to purchase an upgraded media feature to receive a recordable version for an additional \$1.50. The viewer can also select an audio upgrade for \$0.50. Numerous additional pay-per-view broadcasts could be listed, with a variety of upgrade options for each.

The viewer also has access to view-on-demand movies from a satellite broadcast source. The first movie listed is "Titanic," and the viewer has the option to download it at any time for

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\$7.00. Upgrade options for "Titanic" include video quality upgrades, for instance to download the movie over a channel with fewer simultaneous broadcasts to receive higher resolution and definition, a recordable version upgrade, and an audio upgrade. Numerous additional view-on-demand broadcasts could be listed, with a variety of upgrade options for each.

The viewer also has access to a list of interactive events over the Internet. The list includes access to "Mech Warrior 3000" at a default rate of \$1.50 per hour. The viewer has the option to buy video upgrades and audio upgrades, which the viewer may or may not be interested in depending on the video and audio capabilities of his or her entertainment system. Numerous additional interactive events could be listed, with a variety of upgrade options for each. Specification page 13, lines 16 to page 14, lines 13.

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6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The above referenced patent application has been reviewed in light of the Office Action, dated June 01, 2005, in which:

- claims 1-37 are rejected under 35 U.S.C. § 102(e) on Hendricks *et al.* (hereafter, 'Hendricks,' US Patent No. 6,539,548 B1).

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7. ARGUMENT

7.1. 35 U.S.C. § 102

7.1.1. Hendricks: Claims 1-37

The PTO has rejected claims 1-37 under 35 U.S.C. § 102(b) as being anticipated by Hendricks. This rejection by the PTO of these claims is respectfully traversed.

It is well-established that in order to establish a *prima facie* case of anticipation under § 102 of the patent statute, the PTO must provide a single prior art document that alone has every element and every limitation of the claim being rejected. Therefore, if even a single element or limitation is not met by the asserted document, then the PTO has not succeeded in establishing a *prima facie* case.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants begin with claim 1. Claim 1 recites:

- 1 1. (Original) A method comprising:
- 2 receiving information regarding a plurality of different entertainment programs
- 3 and a plurality of different upgraded media features associated with each entertainment
- 4 program;
- 5 displaying at a user terminal a list of entertainment programs and, for each
- 6 entertainment program, a plurality of different upgraded media features;
- 7 transmitting an entertainment program selection together with one or more
- 8 upgraded media feature selections from the displayed plurality to an entertainment
- 9 program provider;
- 10 receiving the selected entertainment program with the selected upgraded media
- 11 features.

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It is respectfully asserted that, as just one example of how the text cited by the PTO fails to meet the language of the rejected claims, Hendricks does not show, teach, use, or describe a plurality of different upgraded media features associated with each entertainment program. Hendricks instead shows presenting the user with a tiered package of channels. See Hendricks, Fig 25a.

7.1.1.1 With Each Entertainment Program

It is respectfully asserted that the primary error in the § 102 rejection lies in a misunderstanding of the Appellants disclosed matter. Appellants' Fig. 5 may aid in the understanding of the disclosed matter.

As seen in Fig. 5, a single program is offered (*e.g. Titanic*) but it is offered with a variety of features ("upgraded media features"), such as, for example, various video resolutions (*e.g. 640x480, HDTV, etc.*) and audio qualities (*e.g. 2 speaker, 5.1 surround, 7.1 surround*). Hendricks on the other hand, specifically the portion cited by the PTO, offers different channels. It is respectfully asserted that channels are not programs.

Appellants' claim 1, lines 3 & 4 clearly require "a plurality of different upgraded media features associated with each entertainment program". The PTO states Hendricks "Figs. 14-16 shows menus of available programs". Appellants respectfully assert that Hendricks does not show "programs"; Hendricks instead shows "channels".

Appellants begin with the definition of "program":

program (pro'gram', -grem) noun

1. a. A listing of the order of events and other pertinent information for a public presentation.
b. The presentation itself: a program of piano pieces.
2. A scheduled radio or television show.

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The American Heritage Dictionary of the English Language, Third Edition © 1996 by
Houghton Mifflin Company. (*emphasis added*)

Appellants contrast that with the definition of “channel”:

channel (chăn'el) noun

Abbr. chan.

1. ...

8. Electronics. A specified frequency band for the transmission and reception of
electromagnetic signals, as for television signals.

The American Heritage Dictionary of the English Language, Third Edition © 1996 by
Houghton Mifflin Company. (*emphasis added*).

It is asserted that Hendricks clearly deals with channels, not programs. Hendricks' Fig. 14 (cited by the PTO) shows a column referred to as “CHANNELS” on the upper right-hand corner of the figure. Confirming that these channels are “a specified frequency band for the transmission and reception of ... television signals” is the left-hand column of Fig. 14 that shows a mega-Hertz (“mHz” (sic)) range from 0 to 750. It is respectfully asserted that at no point in time does Hendricks refer or discuss specific, single individual “television show[s]”, *i.e.* programs, with different features.

Appellants will concede that Hendricks does show a channel that allows a user to purchase a la carte programs; however, conceding one point does not concede the entire claim. See Fig. 29a. But neither this channel nor the a la carte programs on this channel has a plurality of features associated with each program. This is further discussed below. See § 7.1.1.2 Upgraded Media Features. Therefore, Appellants respectfully contend that Fig 29a of Hendricks also fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

Appellants will concede that Hendricks does discuss channels with features that differ from other channels, but that is not what Appellants claim. Appellants' claim 1, line 4 *et al.*

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specifically calls for “programs” not “channels”. Furthermore, Appellants claim “each program” not a “group of programs”. Therefore, it is respectfully asserted that the failing in the cited art could not be corrected by simply arguing that a channel is merely a “group of programs”¹. As just one failing of the cited art, the difference is in the level of granularity. Therefore, Appellants respectfully contend that Hendricks, for at least his reason, fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

An analogy may prove illustrative. It is as if the Appellants invention dealt with having multiple versions of a car model (program). One could purchase the Honda Accord Coupe, Honda Accord Sedan Value Package, Honda Accord Sedan LX, Honda Accord Sedan EX, or Honda Accord Sedan Hybrid. All versions are the same basic Honda Accord, but each offering has extra features (*e.g.* power steering, sunroof, satellite radio, *etc.*). Every Accord is the same basic model (program) but with different upgraded features. One has a base model (program) and one adds a feature here or there. One does not change the fundamental nature of the program.

The Hendricks citation on the other hand deals with different modes of transportation. In the analogous Hendricks, one could purchase a bicycle, a motorcycle, a car, or a jet plane. Hendricks doesn’t offer car models (programs) with different features, but instead different modes of transportation (channels) with different abilities.

Hendricks shows that anytime a user turns on channel 37 (as an illustrative channel number) any programs displayed on channel 37 will be in HDTV format. If the user does not

¹ Applicants respectfully note that even if an attempt was made to use this definition of “channel” as “group of programs” it would not be acceptable under M.P.E.P. § 2111. M.P.E.P. § 2111 demands that “the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification.” *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). MPEP § 2111.01, 8th edition, 1st paragraph

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want HDTV, the user should avoid channel 37, or, more accurately, if the user doesn't want to pay for HDTV, channel 37 will be unavailable. In Hendricks, if the user wants HDTV, the user must buy a new tier of channels. Appellants, on the other hand, show that if the user wants to watch *Titanic* (a program), the user will have the option (in one embodiment) of seeing it in HDTV, analog, digital, or other methods. The user's feature decision is not based on the channel but on the individual program.

For at least the reasons stated above, Appellants respectfully contend that Hendricks fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

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7.1.1.2 Upgraded Media Features

7.1.1.2.1 Clarification of Official Notice

Appellants were confused as to whether or not the PTO was taking Official Notice of certain facts, and asked for a clarification in Appellants' Sept. 1, 2005 Reply.

In the "Response to Arguments" section (pages 7 & 8) of the June 1, 2005 Office Action the PTO stated the following:

... it is well known in the art and based on the Examiner's actual experience through subscription to cable services and personal knowledge, that the television and cable services offer to the user for at least a substantial (*sic*) same number of channels either in analog or digital services, for example (every one knows), a CNN channel providing in analog for a less fee (*sic*) might be also offered in a standard digital service or HDTV for an enhanced feature (video and sound) for a relatively more expensive fee for better enjoying (*sic*) in visual and sound effects

Appellants feel that had this been an instance of Official Notice, Appellants would have been and still be required to traverse the Notice. See M.P.E.P. § 2144.03(c). Therefore, Appellants feel that the clarification of the issue was important. However, in the Advisory Action of Sept. 29, 2005 the PTO clarified the situation by stating that the statement was not an instance of taking Official Notice. In the Advisory Action on pages 2 & 3 the PTO stated: (*emphasis and parenthetical in original*)

This was simply a further explanation and a helpful hint from the examiner to guide the applicant's representative in a better way to draft a better new claims IF (*emphasized*) he would like the claims in condition for allowance.

Because the statement in question is not an Official Notice, Appellants do not believe they are legally bound to traverse the PTO's statement from the June 1, 2005 Office Action. See M.P.E.P. § 2144.03(c). However, should a court or other authority believe otherwise, Appellants reserve their right of traversal.

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7.1.1.2.2 Remarks

In the Appellants specification, page 6, lines 7 & 8, an “upgraded media feature” is defined as “Upgraded media features included, but are not limited to, a wide variety of audio, video, and interactive effects.” Appellants Fig. 5 provides a graphical example of this. In Figure 5 there is a program, *e.g.* *Titanic*, and additional features, *e.g.* surround sound, HDTV, etc., are offered. The “upgraded media feature” is closely associated with an individual program. In contrast, Hendricks offers no additional features, but instead additional channels that have different capabilities or features. See Hendricks’ Fig. 31b. These features are associated, not with individual programs, as the Appellants claim requires, but with entire channels.

As an example, an embodiment of the Appellants’ disclosed subject matter may include selling *Titanic* (a program) with or without surround sound and the right to record it. It is respectfully asserted that Hendricks does not teach selling *Titanic* (a program) with or without surround sound and the right to record it, but instead Hendricks teaches selling the channel packages that includes a plurality of channels. In an embodiment of Hendricks, if a user wishes to watch *Titanic* (a program), they must buy a channel tier that includes HBO (a channel).

As cited by the PTO, some of the Hendricks channels may include an additional media feature, such as for example, HDTV. However, it is respectfully asserted that the mere existence of features is not enough to establish a *prima facie* case for a § 102 rejection. Appellants claim specifies “a plurality of different upgraded media features associated with each entertainment program”. See, Claim 1, lines 3 & 4. Hendricks does not show or describe features associated with programs but channels. See discussion above. Appellants respectfully contend that

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Hendricks fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102 for at least this reason alone.

Furthermore, Appellants claim 1 requires “a plurality of different upgraded media features associated with each entertainment program”. Hendricks does not show a plurality of features. Figs 31a and 31b of Hendricks show the feature HDTV. However, this is not a plurality of features but a single feature.

Even, *in arguendo*, if a plurality of features could be shown in Hendricks (for example, HDTV, analog signal, digital signal) these features are not “associated with each ... program”. Instead, Hendricks shows a single feature (either HDTV, or analog, or digital) associated with each channel (See 7.1.1.1 With Each Entertainment Program above). To meet Appellants’ claim language, Hendricks must have multiple features associated with each program. The level of granularity must be at the program level, not the channel level. Appellants respectfully contend that Hendricks fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102 for at least this reason alone.

7.1.1.3 Conclusion

Appellants respectfully contend that Hendricks fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

Claims 2-37 either depend from claim 1, or include a substantially similar and patentably distinct limitation as claim 1. It is, therefore, respectfully requested that the rejection of these claims also be withdrawn.


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8. CONCLUSION

In view of the foregoing, it is respectfully asserted that all claims pending in this application, as amended, are in condition for allowance. If the Examiner has any questions, they are invited to contact the undersigned at 503-264-7002. Reconsideration of this patent application and early allowance of all claims is respectfully requested.

Respectfully submitted,


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Dated: Thu Dec 1, 2005

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APPENDIX A: CLAIMS APPENDIX

- 1 1. (Original) A method comprising:
 - 2 receiving information regarding a plurality of different entertainment programs and a
 - 3 plurality of different upgraded media features associated with each entertainment program;
 - 4 displaying at a user terminal a list of entertainment programs and, for each entertainment
 - 5 program, a plurality of different upgraded media features;
 - 6 transmitting an entertainment program selection together with one or more upgraded
 - 7 media feature selections from the displayed plurality to an entertainment program provider;
 - 8 receiving the selected entertainment program with the selected upgraded media features.
- 1 2. (Original) The method of claim 1 wherein receiving information comprises receiving
 - 2 information regarding costs for each of the plurality of different upgraded media features and
 - 3 wherein displaying comprises displaying the costs.
- 1 3. (Original) The method of claim 1 further comprising:
 - 2 receiving an entertainment selection and an upgraded media feature selection from a user
 - 3 through the user terminal; and wherein
 - 4 transmitting the selections comprises transmitting the selections received from the user.
- 1 4. (Original) The method of claim 3 wherein the user selection is received by interpreting signals
 - 2 transmitted from a user infrared transmitter.

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1 5. (Original) The method of claim 1 wherein the plurality of different upgraded media features
2 comprises at least one of video resolution upgrades, audio quality upgrades, audio channel
3 upgrades, a recordable version, and an increased access rate for an interactive event.

1 6. (Original) The method of claim 1 wherein receiving information comprises receiving
2 information regarding available programming transmission sources for the plurality of different
3 upgraded media features and wherein displaying comprises displaying an identification of the
4 programming transmission sources.

1 7. (Original) The method of claim 6 wherein the programming transmission sources comprise at
2 least one of local television stations, local radio stations, satellite broadcasters, coaxial cable
3 broadcasters, and interactive sites on the internet..

1 8. (Original) The method of claim 7 wherein the programming transmission sources further
2 comprise at least one of video tape, video disk and audio disk.

1 9. (Original) The method of claim 1 wherein receiving information comprises receiving
2 information from a server system that is in communication with a plurality of programming
3 transmission sources and wherein transmitting the selections comprises transmitting the
4 selections to the server system..

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1 10. (Original) The method of claim 9 wherein receiving the selected entertainment program
2 comprises receiving the selected entertainment program with the selected upgraded media
3 features from one of the plurality of programming transmission sources.

1 11. (Original) The method of claim 10 wherein the upgraded media feature comprises at least
2 one of a video upgrade, an audio upgrade, a recordable version, and an increased access rate for
3 an interactive event.

1 12. (Original) The method of claim 1 wherein receiving the selected entertainment program
2 comprises receiving the selected entertainment program from one of a plurality of programming
3 transmission sources and the plurality of programming transmission sources include at least one
4 of cable television, antenna reception, satellite reception, mini-dish satellite reception, telephone
5 dial-up service, and Internet access.

1 13. (Original) The method of claim 1 wherein receiving the selected entertainment program
2 comprises receiving a token from an appropriate one of a plurality of programming transmission
3 sources, the token enabling the reception of the selected entertainment program with the
4 upgraded media feature.

1 14. (Original) A machine readable medium having stored thereon data representing sequences of
2 instructions which when executed by a processor, cause the processor to:
3 receive information regarding a plurality of different entertainment programs and a
4 plurality of different upgraded media features associated with each entertainment program;

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5 display at a user terminal a list of entertainment programs and, for each entertainment
6 program, the plurality of different upgraded media features;
7 transmit an entertainment program selection together with one or more upgraded media
8 feature selections from the displayed plurality to an entertainment program provider;
9 receive the selected entertainment program with the selected upgraded media features.

1 15. (Original) The machine readable medium of claim 14 wherein the instructions further cause
2 the processor to receive information regarding costs for the plurality of different upgraded media
3 features and display the costs.

1 16. (Original) The machine readable medium of claim 14 wherein the plurality of different
2 upgraded media features comprise at least one of video resolution upgrades, audio quality
3 upgrades, audio channel upgrades, a recordable version, and an increased access rate for an
4 interactive event.

1 17. (Original) The machine readable medium of claim 1 wherein the instructions further cause
2 the processor to receive information regarding available programming transmission sources for
3 the plurality of different upgraded media features and display an identification of the
4 programming transmission sources..

1 18. (Original) The machine readable medium of claim 17 wherein the programming transmission
2 sources comprise at least one of local television stations, local radio stations, satellite
3 broadcasters, coaxial cable broadcasters, and interactive sites on the internet..

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1 19. (Original) The machine readable medium of claim 18 wherein the programming transmission
2 sources further comprise at least one of video tape, video disk and audio disk.

1 20. (Original) The machine readable medium of claim 14 wherein the instructions further cause
2 the processor to receive information from a server system that is in communication with a
3 plurality of programming transmission sources and transmit the selections to the server system.

1 21. (Original) The machine readable medium of claim 20 wherein the instructions further cause
2 the processor to receive the selected entertainment program with the selected upgraded media
3 features from one of the plurality of programming transmission sources.

1 22. (Original) The machine readable medium of claim 14 wherein the instructions further cause
2 the processor to receive the selected entertainment program from one of a plurality of
3 programming transmission sources and the plurality of programming transmission sources
4 include at least one of cable television, antenna reception, satellite reception, mini-dish satellite
5 reception, telephone dial-up service, and Internet access.

1 23. (Original) The machine readable medium of claim 14 wherein the instructions further cause
2 the processor to receive a token from an appropriate one of a plurality of programming
3 transmission sources, the token enabling the reception of the selected entertainment program
4 with the upgraded media feature.

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1 24. (Original) A method comprising:
2 transmitting information regarding a plurality of different entertainment programs and a
3 plurality of different upgraded media features associated with each entertainment program to a
4 plurality of client systems;
5 receiving an entertainment program selection together with one or more upgraded media
6 feature selections from at least one of the plurality of client systems;
7 providing the client system with access to receive the selected entertainment program
8 with the selected upgraded media features.

1 25. (Original) The method of claim 24 wherein providing the access comprises:
2 instructing at least one of a plurality of programming transmission sources to transmit the
3 selected entertainment program with the upgraded media feature to the client system..

1 26. (Original) The method of claim 24 wherein providing the access comprises:
2 providing a token from an appropriate one of a plurality of programming transmission
3 sources to the client system, the token enabling the client system to receive the selected
4 entertainment program with the upgraded media feature.

1 27. (Original) The method of claim 24 wherein the transmitting information comprises
2 transmitting information regarding costs for the plurality of different upgraded media features.

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1 28. (Original) The method of claim 24 wherein the plurality of different upgraded media features
2 comprises at least one of video resolution upgrades, audio quality upgrades, audio channel
3 upgrades, a recordable version, and an increased access rate for an interactive event.

1 29. (Original) The method of claim 24 wherein transmitting information comprises transmitting
2 information regarding available programming transmission sources for the plurality of different
3 upgraded media features.

1 30. (Original) The method of claim 29 wherein the programming transmission sources comprise
2 at least one of local television stations, local radio stations, satellite broadcasters, coaxial cable
3 broadcasters, and interactive sites on the internet..

1 31. (Original) A machine readable medium having stored thereon data representing sequences of
2 instructions which when executed by a processor, cause the processor to:
3 transmit information regarding a plurality of different entertainment programs and a
4 plurality of different upgraded media features associated with each entertainment program to a
5 plurality of client systems;
6 receive an entertainment program selection together with one or more upgraded media
7 feature selections from at least one of the plurality of client systems;
8 provide the client system with access to receive the selected entertainment program with
9 the selected upgraded media features..

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1 32. (Original) The machine readable medium of claim 31 wherein the instructions further cause
2 the processor to instruct at least one of a plurality of programming transmission sources to
3 transmit the selected entertainment program with the upgraded media feature to the client
4 system.

1 33. (Original) The machine readable medium of claim 31 wherein the instructions further cause
2 the processor to provide a token from an appropriate one of a plurality of programming
3 transmission sources to the client system, the token enabling the client system to receive the
4 selected entertainment program with the upgraded media feature.

1 34. (Original) The machine readable medium of claim 31 wherein the instructions further cause
2 the processor to transmit information regarding costs for the plurality of different upgraded
3 media features.

1 35. (Original) The machine readable medium of claim 34 wherein the plurality of different
2 upgraded media features comprises at least one of video resolution upgrades, audio quality
3 upgrades, audio channel upgrades, a recordable version, and an increased access rate for an
4 interactive event.

1 36. (Original) The machine readable medium of claim 31 wherein the instructions further cause
2 the processor to transmit information regarding available programming transmission sources for
3 the plurality of different upgraded media features.

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- 1 37; (Original) The machine readable medium of claim 36 wherein the programming transmission
- 2 sources comprise at least one of local television stations, local radio stations, satellite
- 3 broadcasters, coaxial cable broadcasters, and interactive sites on the internet.

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APPENDIX B: EVIDENCE APPENDIX

To the best of Appellants' knowledge, there is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

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APPENDIX C: RELATED PROCEEDINGS APPENDIX

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

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